III.—GUNTUR FOOD POSITION.

MR. PRESIDENT :—" I am told that a statement on the Guntur Food Position has been placed on the table of the House."

SRI R. SURYANARAYANA RAO :—" Can we ask questions on the statement now or on a subsequent date? "

MR. PRESIDENT :—" Not to-day at any rate."

IV.—NON-OFFICIAL BUSINESS.

A—BILLS.

THE MADRAS CITY TENANTS' PROTECTION (AMENDMENT) BILL, 1947.

* SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, it is with a feeling of some trepidation that I rise to move the motion standing in my name for leave to introduce the Bill. That is because the Government adopted a somewhat curious attitude when Bills were introduced by private members in this House on the last occasion. I hope that the appeal that we made on that occasion that a convention should be established that at the stage of introduction the Government should not oppose, reserving to themselves the right to take up any attitude they like afterwards, would be followed and that I will be permitted to introduce this Bill.

" My Bill seeks to amend an Act of 1921. I hope you will allow me the indulgence to give in a few words the history of this legislation. If the Preamble to the Madras City Tenants' Protection Act is read, it will be seen that this legislation was undertaken by the Government to give protection to tenants in many parts of the City of Madras who had constructed buildings on others' lands in the hope that they would not be evicted so long as they paid a fair rent for the land. Then it was my privilege to work under the guidance of the late Diwan Bahadur Varadarajulu Naidu and set up an agitation for the promulgation of this legislation. We were ably assisted by Dr. Besant who was then editing ' New India '. When the facts were brought to the notice of the then Law Member, late Sir K. Srinivasa Ayyangar, he immediately wanted to go to the succour of the unfortunate tenants who were being evicted from lands occupied by them and on which they had built superstructures in the hope that they would not be evicted so long as they paid fair rent for the land. These were the hey-days of the Justice Party. The Justice Party occupied every place of power and authority; almost all public bodies were monopolized by them. Even in the Justice Party, as in any party, there were vested interests and there was a certain amount of opposition to certain clauses of the Bill. But realizing that the main object would be frustrated if he persisted in giving the relief that was demanded by us on behalf of the tenants, Sir K. Srinivasa Ayyangar compromised on many points and yielded to the agitation of those who had a voice in shaping the legislation, and the Bill emerged from the Council in its present form. As is usual with legislation of this kind, a great deal of case law has grown and

in a number of decisions on various points, the Hon'ble Judges of the Madras High Court have indicated that the Act was defective and that it could not fulfil its object of affording real protection to the tenants. My main object in sponsoring this Amending Bill is to rectify the defects pointed out by the Hon'ble Judges of the Madras High Court so that the Act can afford to the tenants the protection they deserve. I am sure you will not permit to go into the details of the Bill at this stage."

MR. PRESIDENT :—" I have no objection provided you give up the other items."

* SRI R. SURYANARAYANA RAO :—" I will leave aside the minor amendments that I have suggested and draw the attention of the House only to two important amendments. Clause 5 of the Bill proposes to amend section 2 (3) of the Act making it applicable to Crown lands and lands belonging to trusts and corporate bodies. It is a well-known fact that in this City, the Government trusts and corporate bodies own large tracts of land. There have been cases in which even the Government without any mercy have taken advantage of their privileged position and evicted the tenants. The Hon'ble Judges of the High Court have decided in appeal cases that the Act cannot be applied to Crown lands.
3-45 p.m. Under the present Act, power is given to the tenant to ask for sale of the land, only if a suit for ejectment is filed by the landlord. If the landlord chooses to evict his tenant and if he files a suit for eviction, then the privilege of asking for the sale of the land can be exercised by the tenant. It often happens that landlords file suits knowing that the tenant will not be in a position to offer to take the sale of the land. My object has been to leave undisturbed people occupying land who have built superstructures so long as they pay fair rent. My object is that the exercise of the privilege of purchasing the land should be given to the tenant and the fair price will be settled by the Court. He should be given this option as the landlord enjoys other options. Whenever it is possible for the tenant to ensure his fixity in the land that he is occupying and on which he has built his superstructure, he should be enabled to go to a Court of Law and ask the Court of Law to settle the price of the land to enable him to purchase it. These are the two provisions of the Bill to which I would like to draw the attention of hon. Members of the House.

" Sir, as you are aware, it has been my special good fortune that, whenever I give notice of a Bill, the Government themselves come forward with a similar Bill. This has not only lightened my task but also indirectly assisted me to serve the cause along with them. How I wish that on this occasion also when I am asking for leave to introduce the Bill, the Government themselves make this Bill as theirs? It would ensure easy passage of the Bill through this House. I trust I shall receive the unstinted co-operation of the Government in seeing to the passage of this Bill through this Council as well as through the other Chamber of the Legislature, so that the tenants who are in need of this assistance may secure it, and they may be prevented from being

harassed not by all landlords but by unscrupulous landlords. I am not in a position to quote any judgments of the Privy Council, because most of the tenants are so poor that they could not go to the Privy Council to obtain any decisions on points of law on many judgments of the High Court. I request the Government to be considerate and charitable. Though they could not make this Bill their own, they can assist me and this House to have this Bill passed without much trouble. With these words I seek the leave of the House to introduce the Bill."

MR. K. O. ANTHONI :—" I second the motion."

MR. PRESIDENT :—" What is the view of the Government on the Bill? "

* THE HON. SRI KALA VENKATA RAO :—" The Government have decided to oppose the Bill. The word tenant used in this connexion by my hon. Friend does not carry the ordinary terminological meaning. In some cases certain people want to squat on others' lands and raise buildings there. Later on they seek the protection of law to stay there. Of course certain protection was given to such tenants in 1921 under exceptional circumstances. Now my hon. Friend Mr. Suryanarayana Rao not only wants this protection to continue but he also wants tenants to encroach and squat not only on private lands but also on Government lands as well as on lands belonging to the Madras Corporation. That will be the effect if this Bill is passed into law . . . "

MR. PRESIDENT :—" Does the Hon. Minister oppose leave to introduce the Bill? "

* THE HON. SRI KALA VENKATA RAO :—" Yes, Sir. If a tenant builds a house or superstructure on a land belonging to another man . . . "

* K. UPPI SAHIB BAHADUR :—" On a point of information, Sir. The motion before the House is for leave to introduce the Bill. Am I to understand that the Hon. Minister is opposing the motion for leave for introduction of the Bill? "

MR. PRESIDENT :—" The hon. Member heard my question to the Hon. Minister. He is opposing the motion for leave to introduce the Bill."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I wish to ask whether this Government is not going to adopt the usual procedure in all Parliamentary Bodies that at the stage of asking leave for introduction of a Bill, it should not be opposed. Is not this Government going to adopt that procedure? It is surprising that the Bill should be opposed even at this stage."

MR. PRESIDENT :—" At any rate, the Government are consistent."

* THE HON. SRI KALA VENKATA RAO :—" At present there is no such convention in this House as is stated by the hon. Member. It can be followed if there is agreement between the Leader of the House and the Leader of the Opposition. In the

absence of such an agreement, the useful time of this House need not be spent on Bills which are not going to be ultimately adopted, when the Government oppose the Bills."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" On a point of information, Sir. If hon. Members had known that the Bill will be opposed even at the stage of asking for leave to introduce the Bill, they would have come prepared for it. Now we have to make our minds on the spot after hearing the speeches of the hon. Member who asks for leave and of the Hon. Minister on behalf of the Government. Such Bills are not circulated earlier because it is expected that the Government would not oppose the Bill at this stage."

MR. PRESIDENT :—" Copies of the Bill have been circulated to hon. Members."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" We got copies only yesterday."

* DR. V. K. JOHN :—" Sir, the procedure laid down in Rule 72 of the Council Rules may be followed. You can ask the Mover of the Bill and the Hon. Minister to make brief statements."

MR. PRESIDENT :—" The hon. Member who moved the motion has made his statement. The Hon. Minister is making a statement now."

* THE HON. SRI KALA VENKATA RAO :—" I will not go into the details of the provisions of the Bill. The only position that the Government take is this; if clause 5 is amended and people are allowed to squat on others' lands and on lands belonging to the State, there will be trouble not only to the Government but to all residents of Madras City. The Government are really prepared to consider if there are complaints for housing people of the Madras City on any land belonging to the Government. I can inform the House that, as a matter of fact, the Government have already appointed a Committee to go into this question. The Committee consists of experienced officials in the first instance, including also representatives of the Corporation of Madras, the Revenue Department, the Town-Planning Department, etc. The Committee will go into the question and report within a short time what are the lands and building sites in the City of Madras and how these can be utilized according to plans. The Government are not opposing any plan for housing. What we seek to oppose is unilateral action on the part of certain persons going and squating on other people's lands. It will be very difficult if legal protection is given to such occupation. If this Bill is passed, somebody will go to the foreshore and put up a superstructure. Later on he has got a claim on that land, and the Government cannot eject him from that place. These things cannot be allowed to happen. I do not refer to other clauses of the Bill. We are not agreeable to clause 5 of the Bill both on account of public reasons and of the statement I have made already. The Government are already aware of the keenness of the situation with regard to housing in

the City of Madras; the Government are already taking steps to solve the problem. I think it will be better if we oppose the Bill at this stage itself."

* SRI R. SURYANARAYANA RAO :—" I am afraid, Sir, that the Hon. Minister for Land Revenue does not know the provisions of the City Tenants' Protection Act. It is not a fact that anybody can go and put up a superstructure on the foreshore and then seek protection. If any person is receiving rent from the man who has put up a superstructure, he gets the right of asking him to have the land sold to him. If the Hon. Minister had read the proceedings of 1921 which are in three volumes, he would have realized that the Act does not confer the right to any one to put up a hut in any place. It confers a right on the tenant to ask for the sale of the land on which he has put up a structure if he is paying rent regularly. There is presumption also that he would not be disturbed as long as he pays rent. If the Government have been collecting rent from the tenant, the tenant has a right to go to a Court of Law for the sale of the land to him. I am afraid the Hon. Minister has not read the Act—excuse me for being plain—it does not confer the right to anybody to squat anywhere not paying rent and then secure sale of the land."

THE HON. SRI KALA VENKATA RAO :—" Some of us know how things happen in the mufassal as well as in the City. A person puts up a small structure on a land. He gets hold of a low-grade official and pays him Rs. 5 and gets an encroachment certificate. Then he gets the right to the land as my hon. Friend Mr. Suryanarayana Rao says. It is true I am not completely conversant with all the three volumes to which my hon. Friend has referred. I can straightway say that the distinction he tries to draw, does not serve his purpose nor the cause which he tries to espouse."

* K. UPPI SAHIB BAHADUR :—" May I state the procedure that is usually followed in such cases? Both in this case and on previous occasions the Government opposed the motion for leave to introduce the Bill. It is the convention that a Bill is not opposed at this stage. I suggest that much time of the House should not be taken up by discussion on this motion. The Bill has not actually come before the House. It is still possible that my hon. Friend Mr. Suryanarayana Rao may not introduce the Bill at all. It is still in the hands of the mover to proceed with this Bill and then the Government may point out its defects. It is against convention to oppose the Bill at this stage. If it is done the right of private Members to introduce Bills would be very much curtailed. To introduce a Bill, we have to carry on previous propaganda. We will have to study the provisions of the Bill even before it comes before the House. Discussion at this stage is a waste of precious time of the House. So, I request that we might follow the convention—the long-standing convention—of all Legislative Bodies in this country of not opposing a Bill at the stage when leave is asked to introduce it. I request the Government to grant

to the non-official Members of this House, at least as much right of asking for leave to introduce a Bill. That is my appeal to the Government."

4 p.m. MR. PRESIDENT :—" Is the Hon. Minister convinced? "

THE HON. SRI KALA VENKATA RAO :—" It is not a question of my being convinced, Sir. The Cabinet has passed a resolution to oppose the introduction of this Bill and I have to follow it. As regards the convention to be established that leave for introduction of non-official Bills should not be opposed, it is a matter of agreement between the Leader of the House and the Leader of the Opposition and I cannot do anything in the matter now, Sir."

DR. V. K. JOHN :—" May I suggest, Sir, that an opportunity be given for discussion before it is opposed . . . . "

MR. PRESIDENT :—" The Hon. Minister for Revenue referred to some agreement; may I know what is the agreement that he referred to? "

THE HON. SRI KALA VENKATA RAO :—" In future if the Leader of the House and the Leader of the Opposition talk among themselves and come to an agreement that at the stage of the introduction of a Bill, it need not be opposed, and if such a convention is established, naturally the Government will follow it. That was the agreement that I referred to, Sir. "

MR. PRESIDENT :—" There is such a convention in the legislatures."

THE HON. SRI KALA VENKATA RAO :—" As a matter of fact, two Bills prior to this Bill have been opposed by the Government. Therefore I am not the first man to oppose this Bill, Sir. There is already a history behind this."

MR. PRESIDENT :—" The only question is whether it was a special case of opposition in the case of those two Bills, or whether the Government are going to adopt that policy for all future Bills."

THE HON. SRI KALA VENKATA RAO :—" It is a matter for future consideration, Sir. Now, the point is that we have considered this Bill in the Cabinet and have come to the conclusion that the Bill should be opposed and I have to follow the direction given to me."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" May I suggest, Sir, that steps be taken to revise the rules regarding opposition to non-official Bills at the stage of introduction? "

MR. PRESIDENT :—" If the hon. Member wants that a rule should be introduced that no Bills should be opposed at the stage of introduction, then he may bring it before the Rules Committee which are considering the revision of the rules. But, so far as the rule at present stands, the position is, that if a Bill is opposed, on the motion for leave to introduce it, the President after permitting a brief explanatory statement from the Member

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who moves and from the Member who opposes the motion, may without further debate put the question thereon. I have decided to put the question now. The question is—

' *That the Madras City Tenants' Protection (Amendment) Bill, 1947, sought to be introduced by the hon. Sri R. Suryanarayana Rao, will be given leave by this House.*' "

The question was put and lost.

Poll was demanded by Sri R. Suryanarayana Rao and the House divided thus :—

Ayes.

1 K. Uppi Sahib Bahadur.
2 K. T. M. Ahmed Ibrahim Sahib Bahadur.
3 Sri B. Narayanaswami Nayudu.
4 Abdul Latif Farookhi Sahib.
5 Dr. Syed Tajuddin Sahib.
6 Sri M. D. T. Kumaraswami Mudaliyar.
7 Mrs. Mona Hensman.
8 Mrs. M. N. Clubwala.
9 S. K. Sheik Rowther Sahib.
10 Sri R. Suryanarayana Rao.
11 Mr. K. O. Anthoni.
12 Dr. V. K John.
13 Sri D. Krishnamurthy.
14 „ H. M. Jagannatham.

Noes.

1 The Hon. Dr. T. S. S. Rajan.
2 The Hon. Sri K. Madhava Menon.
3 Sri K. Venkataswami Nayudu.
4 „ B. Bhima Rao.
5 „ L. Subbarama Reddi.
6 „ S. A. S. Rm. Ramanathan Chettiyar.
7 „ S. K. Satagopa Mudaliar.
8 „ M. Narayana Menon.
9 „ M. Narayana Rao.
10 „ N. Sankara Reddi.
11 „ N. Venkatachalamaji.
12 Sri C. N. Muthuranga Mudaliyar.
13 „ T. Purushotham.
14 „ N. Ramabhadra Raju.
15 „ A. Govindacharyulu.
16 „ A. K. A. Ramachandra Reddiyar.
17 „ S. Jayaram Reddiyar.
18 „ N. Ranga Reddi.
19 „ G. Venkata Reddi.
20 „ P. R. K. Sa ma.
21 „ S. B. Adityan.
22 „ C. Veerabhadra Rao.

Neutrals.

1 Dr. Sir A. Lakshmanaswami Mudaliyar.
2 Sir James Doak.

Ayes 14 ; *Noes* 22 ; *Neutrals* 2.

The motion was lost. The leave to introduce the Bill was not granted.

B.—RESOLUTIONS.

(1) UNIFORM SCALES OF SALARIES TO THE SUBORDINATE AND INFERIOR SERVICES.

* MR. PRESIDENT :—" The resolution of Sri R. Suryanarayana Rao left over for discussion will now proceed.

" I need not point out to hon. Members that there are nine items in the Agenda and we have not got much time before us and I, therefore, request all hon. Members to be very brief and quick."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Before proceeding further, Sir, may I point out that we are very much handicapped on account of the fact that we are having only two or three hours for non-official business and we are having very few non-official days during these sessions."